

APPROVED: Meeting No. 34-96

ATTEST: *Paula O. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 28-96

June 27, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on June 27, 1996, at 7:33 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: Adoption of Ordinance to grant Text Amendment Application TXT95-0154, Helios/Towle, LLC, Applicant.

To amend the record plat procedures for CPD projects and to provide for an interim record plat for transfer of property prior to building permits.

Ordinance No. 11-96

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance to grant Text Amendment Application TXT95-0154, to amend the record plat procedures for CPD projects and to provide for an interim record plat for

transfer of property prior to building permits, was adopted. A copy of the full text of Ordinance No. 11-96 may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of Ordinance to grant Application to Close and Abandon Public Way SCA96-0073, Helios/Towle, LLC, Applicant.

To close and abandon Fields Road between Frederick Road (MD 355) and Redland Road.

Ordinance No. 12-96

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance to grant Application SCA96-0073, Helios/Towle, to close and abandon Fields Road between Frederick Road (MD 355) and Redland Road, was adopted. A copy of the full text of Ordinance No. 12-96 may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Discussion and Adoption of Resolution Regarding Comprehensive Planned Development Application CPD95-0002, Helios/Towle, LLC, Applicant - For approval of a Concept Plan Application for 3,200 housing units, 3.2 million square feet of office space, and 125,000 square feet of neighborhood commercial space.

Mayor Krasnow said that following the June 17 General Session, members of the Mayor and Council were asked to submit specific questions regarding the King

Farm Concept Plan Resolution in anticipation of having staff respond to the inquiries prior to the evening's special General Session. However, Mayor Krasnow said, the responses to the Mayor and Council's questions were only received late this afternoon, again allowing limited time for a thorough review by the Mayor and Council.

Per Ms. Krasnow's suggestion, the Mayor and Council decided to discuss each question and to review the responses provided by staff and representatives of the King Farm. Responding for Helios/Towle was Barbara Sears, Attorney for the Applicant. Larry Goldstein and Mark Gang of Towle Partners, LLC were also present.

The Mayor and Council conducted a detailed review of questions and responses and they made recommendations on the issues noted below. The following is a summary of only those issues raised by Mayor and Council which required staff action or amendments to the draft CPD Resolution. [Clerk's Note: Although the issues were actually discussed in a different order, they are summarized herein to coincide with the numbered sections of the CPD Resolution]

Issue #1 - Section VI - Design Guidelines

The Mayor and Council discussed whether the design standards should be approved by planning staff or whether they should be approved by the Planning Commission and/or the Mayor and Council. Councilmember Harrison said that after reading staff's and the Applicant's comments on the issue, he still felt that an elected body or appointed citizens group, e.g., the Planning Commission, should review the overall design concept plan for the King Farm. He said that it was expected that the Planning Commission or the Mayor and Council would look at the overall design plans and take

into consideration recommendations from the urban design experts (e.g., City staff and the two architects who were consulting the City). The Mayor and Council or the Planning Commission would then review the recommendation and either approve the standards or approve them with modifications recommended by the urban design consultants.

Chief of Planning Lisa Rother clarified that the standards were actually design guidelines, and she said that there was language in the CPD Resolution prohibiting the design guidelines from infringing upon the Zoning Code or the Concept Plan. All of the elements in the Concept Plan would remain in addition to all of the elements of the City's Zoning Ordinance and nothing in the guidelines would supersede the Zoning Ordinance. Ms. Rother said that this gave the Planning Commission the authority to determine if there was a substantial deviation from the Concept Plan.

Issue #2 - Section V (4)(a) Modifications to Development Standards and (b) Sign Requirements - Minimum Setback Requirements for All other structures

The Applicant requested a modification of the standard to 75 feet, and the Zoning Ordinance prohibits modifications of the standard. The Mayor and Council did not agree with the developer's language that a modification of the setback to 75 feet would not be detrimental to the surrounding area; however they did reach consensus to reword the language in the Resolution in order to clarify that the Mayor and Council would cooperate with the Applicant to develop an appropriate text amendment permitting a reduction of the 100 foot standard.

(b) Sign Requirements

The general consensus of the Mayor and Council was that the comprehensive sign design package for the entire development should be reviewed by the Sign Review Board and approved by the Planning Commission; however there was some feeling that a further review of the issue regarding design guidelines for the overall development was needed.

Issue #3 - Section V (5) Minimum Side Setback [chart]

City Attorney was asked to clarify on the chart that there must be a minimum of eight feet between single family detached dwelling units.

Issue #4 - Section VIII Designation of Streets as Public or Private

Considerable discussion took place regarding the issue of public/private streets. Councilmember Wright expressed a concern that in a potential scenario, the developer could end up using all the spaces on Apartment Boulevard to help them meet their parking requirement which could result in an inadequate amount of parking in general. The Mayor and Council asked for some clarification on whether in a matter of public safety, the City could enforce non-moving violations on private streets.

Issue #5 - Section IX Parking

City Attorney Glasgow clarified that for multi-family dwellings with no separate bedrooms required one space; one bedroom units required one and one-quarter spaces; and for two or more bedrooms, one and one-half spaces were required. The developer proposed to increase his requirement from 1.5 parking spaces per unit to 1.7 spaces per unit for all multi-family dwellings. Ms. Sears said that this would at least provide an additional increment that the Mayor and Council could rely on, and it would also give the

developer a standard to deal with in terms of the design and sale of the units. The Mayor and Council were generally comfortable with the developer's compromise to increase the required parking to 1.7 spaces for each unit; however, it was suggested that a vote on this issue and the issue of design standards, take place at the July 8 General Session.

Upon motion of Councilmember Marrinan, duly seconded, a vote to postpone adoption of the Concept Plan Resolution until the July 8th General Session passed by a 3 to 2 vote, with Councilmembers Harrison, Marrinan and Wright voting "aye" and Councilmember Dorsey and Mayor Krasnow voting "nay."

Mayor Krasnow pointed out that on July 8, the Mayor and Council would have to confine their discussions to the two issues narrowed down, and not discuss any new issues, unless the Developers raised additional questions. Mr. Kuckkahn noted that in light of the July 4th Holiday, the City Clerk's staff would have the Mayor and Council's agenda brief books sent home on Wednesday, July 3rd.

Mayor Krasnow asked that staff clarify how planning staff reviewed the parking issue. She said that she tended to lean towards 1.5 parking spaces since the development was transit oriented; however, she said that she favored the idea of having some flexibility by increasing some of the standards as the developers seemed to be willing to do.

On the issue of design standards, Mayor Krasnow said that there was a great misunderstanding among members of the Mayor and Council as to what the standards involved, what it meant if the Planning Commission approved the standards up front, what was the time frame involved in the approval process, and once the Planning

Commission approved the design standards, would they have to get involved in every modification made. Mayor Krasnow asked that staff also clarify these issues.

Re: Adjourn to Executive Session

Upon motion of Councilmember Wright, duly seconded and unanimously passed, with Mayor Krasnow, Councilmembers Dorsey, Harrison, Marrinan and Wright voting "aye," the Mayor and Council adjourned to Executive Session at 10:45 p.m., pursuant to Section 10-508(a)(1)(i) of the State Government Article, Annotated Code of Maryland, to discuss a personnel matter.